

PTO/SB/04 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
AA333

First Named Inventor: Takashi Sako

Application No.: 09/744,271

Art Unit: 1617

Filed: January 22, 2001

Examiner: H. Nguyen

Title: Hair Conditioning Composition Comprising Carboxylic Acid/Carboxylate Copolymer and Amphoteric Conditioning Agent

Attention: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Large entity - fee \$1,300.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of RESPONSE/AMENDMENT (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

## B. The issue fee of \$\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

**RECEIVED****MAY 19 2003****OFFICE OF PETITIONS**

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box DAC, Washington, D.C.

05/16/2003 SLUANG1 00000026 162400 09744271

01 FC:1453 1300.00 CH

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_ for a large entity disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and(D))].

5. ☒ Authorization is given to charge Deposit Account No. 16-2480 for any fees required in connection with submission of this petition. A duplicate copy of this correspondence is enclosed to facilitate charging of the feesMay 14, 2003

Date

Linda M. Sivik

Signature

Telephone

Number: (513) 626-4122

Linda M. Sivik

Typed or printed name

44,982

Registration No.

CUSTOMER NO.: 27752

- Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 14, 2003

Date

Linda M. Sivik

Signature

Linda M. Sivik

Typed or printed name of person signing certificate

TO: Auto-reply fax to 513 6261355 COMPANY:



# Auto-Reply Facsimile Transmission

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MAY 19 2003

OFFICE OF PETITIONS



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

TO:

Fax Sender at 513 6261355

Fax Information

Date Received:

12/17/01 12:52:03 PM [Eastern Standard Time]

Total Pages:

22 (including cover page)

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Received  
Cover  
Page

=====&gt;

DEC-17-2001 13:01

P&amp;G PATENT DIV SUIC

513 6261355 P.01/22

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### FACSIMILE TRANSMITTAL SHEET AND CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

TO: United States Patent and Trademark Office

Fax No. 703-872-9306

Phone No.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 17, 2001, to the above-identified facsimile number.

Linda M. Sivik (Signature)  
Linda M. Sivik

FROM: (Typed or printed name of person signing Certificate)

Fax No. 513-626-1355

Phone No. 513-626-4122

Listed below are the item(s) being submitted with this Certificate of Transmission:

Number of Pages Including this Page: 20

- 1) RCE
- 2) IDS - 4 pages
- 3) PTOSB08A
- 4) Cited Art US Patent 4,402,977 - 13 pages
- 5)

Inventor(s): Sako et al.  
S.N.: 08/744,271  
Filed: January 22, 2001  
Case: AA333

### Comments:

On December 14, 2001, a Request for Continued Examination, Information Disclosure Statement, PTO-SB08A form, and a copy of a reference were submitted via facsimile transmission for the above-identified patent application (copy attached). Also attached is a copy of the our fax confirmation stating that 20 of the 20 pages were sent. We did not, however, receive the "Auto-Reply" Fax Confirmation sheet.

In order to ensure that our submission was received, by way of this facsimile transmission we are re-submitting the above identified items.

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MODE = MEMORY TRANSMISSION

START=DEC-17 13:01

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FILE NO. = 172

| STN NO. | COM | ABBR NO. | STATION NAME/TEL.NO. | PAGES   | DURATION  |
|---------|-----|----------|----------------------|---------|-----------|
| 001     | OK  | S        | 817038729306         | 022/022 | 00:09'19" |

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**FACSIMILE TRANSMITTAL SHEET AND  
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**TO: United States Patent and Trademark Office**

Fax No. 703-872-9306

Phone No.

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Linda M. Sivik

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Fax No. 513-626-1355

Phone No. 513-626-4122

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Inventor(s): Sako et al.

S.N.: 09/744,271

Filed: January 22, 2001

Case: AA333

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FILE NO. = 156



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|---------|-----|----------|----------------------|---------|-----------|
| 001     | OK  | S        | 817038729306         | 020/020 | 00:08'52" |

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Linda M. Sivik

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Phone No. 513-626-4122

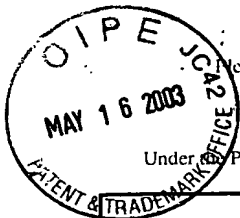
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- 5)

Inventor(s): Sako et al.  
S.N.: 09/744,271  
Filed: January 22, 2001  
Case: AA333

Comments:



Please type a plus sign (+) inside or → [+]

PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:

Commissioner for Patents  
Box RCE  
Washington, D.C. 20231

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/744,271       |
| Filing Date            | January 22, 2001 |
| First Named Inventor   | Takashi Sako     |
| Group Art Unit         | 1617             |
| Examiner Name          | H. Nguyen        |
| Attorney Docket Number | AA333            |
| Confirmation Number    | 5065             |

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MAY 19 2003

OFFICE OF PETITIONS

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2480.
- i. ☒ RCE fee required under 37 C.F.R. §1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
- iii. ☐ Suspension of action fee under 37 C.F.R. 1.17(i)
- iii. ☐ Other \_\_\_\_\_

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                |                                  |
|-------------------|----------------|----------------------------------|
| NAME (Print/Type) | Linda M. Sivik | Reg. No. (Attorney/Agent) 44,982 |
| SIGNATURE         |                | DATE December 14, 2001           |

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|                   |                   |
|-------------------|-------------------|
| NAME (Print/Type) | Linda M. Sivik    |
| SIGNATURE         |                   |
| DATE              | December 14, 2001 |

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+



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/744,271      | 01/22/2001  | Takashi Sako         | AA33/VB<br>3        | 5065             |

A A Paul  
The Procter & Gamble Company  
Sharon Woods Technical Center HB3N42  
11510 Reed Hartman Highway Box 325  
Cincinnati, OH 45241



EXAMINER

NGUYEN, HELEN

ART UNIT PAPER NUMBER

1617

DATE MAILED: 01/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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S.W.T.C. - HB BLDG.  
Intellectual Property Division



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 12/14/01 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Regina Harmon, Examining Group 1600

(703) 308-2256

FORM PTO-2051 (Rev. 3/2001)